

FEDERAL PUBLIC DEFENDER

NORTHERN DISTRICT OF CALIFORNIA
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June 2, 2008

VIA FACSIMILE (510) 637-3545
Magistrate Judge Wayne D. Brazil
1301 Clay Street, Courtroom No. 4
Oakland, CA 94612
attn: Ivy Garcia

United States v. Vanessa McNight, CR 08-00208 WDB
RE: Request to continue matter from June 3, 2008 to June 9, 2008

Dear Judge Brazil :

I am writing to ask that this matter be continued from tomorrow June 3, 2008 to next Monday, June 9, 2008 for change of plea. Originally, Ms. McNight and I were supposed to meet before court tomorrow to go over the agreement. However, in reviewing the agreement tonight, I just realized that the proposed agreement does not include a recommended sentence which means that Ms. McNight would not be able to waive the presentence report and immediately be sentenced. This is different from most of the misdemeanor cases in which I've been involved. I need additional time to speak with the government and determine whether the parties can agree upon a recommended sentence and I would prefer not to require Ms. McNight to come to court for another status appearance. Even if the parties are not able to come to an agreement, it is likely that Ms. McNight will still plead guilty but without an agreement. I just left a message for Assistant United States Attorney Maureen Bessette asking her whether she would agree to continue the matter but have not heard back from her.

Sincerely,

BARRY J. PORTMAN
Federal Public Defender

/S/

JOYCE LEAVITT
Assistant Federal Public Defender

cc: Maureen Bessette, AUSA